



Jammu and Kashmir State Information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/CO/SA/482/2017
Decision No. SIC/CO/SA/482/2017/**1007**

Final Order:

Appellant : Sh. Mohammad Younis Mattoo,
S/o Ghulam Mustafa Mattoo,
R/o Sati Dudwar, District Doda.

Respondent : FAA/PIO Rural Development Department (RDD) J&K.

Date of decision : **08-11-2017**

Decision : Appeal disposed of.

Brief Facts:

Briefly the facts of this appeal are that the appellant filed RTI application dated 27-02-2017 with the Public Information Officer, (PIO) O/o Director Rural Development Department (RDD), Jammu, seeking following information:

1. List of Ministers, MLC, MLAs in favor on recommendation, you have distributed 1. CD.Pyt 2.FDR 3. BRGF from 2014 march to till date with amount mentioned for every personality. Who is authorizing officer/authority of these funds.
2. Under norms who is Authorizing Authority (3) is these work approved through Blocks or Pyts if recommended through Pyts then mention No & Date Pyt wise of the said period (3) Have all these fund utilized under proper guideline of Panchayti Raj Act or other act mention sections and constitutions Rule and SRO and provide all the Constitutions Rules SRO's Photostat copies.
3. All the copies of information/letters throughout you have informed concerned BDO for submission of these funds plan & estimate copies No & Date wise.

4. What is liability of work done of these works mention amount? All this information should be attested by your office.

Thereafter he filed 1st appeal on 27-03-2017 with Commissioner Secretary Rural Development Department, Jammu against the inaction of the PIO. At last the appellant approached the State Information Commission (SIC) with 2nd appeal which was admitted in the SIC on 11-07-2017.

Proceedings before the State Information Commission(SIC):

The appeal came up for hearing before the SIC on 03-10-2017. The hearing was attended by PIO O/o Directorate of Rural Development Department, Jammu through video conferencing from Jammu. Neither FAA nor PIO, Department of Rural Development and PR, Civil Secretariat appeared despite due notice. The appellant was also not present for video conferencing from Jammu office of the SIC. The PIO Directorate of Rural Development Department submitted that they have furnished reply vide communication dated 04-05-2017. The appeal was adjourned after hearing the PIO. The SIC observed that the reply furnished by the PIO O/o Directorate of Rural Development Department (RDD), Jammu is incomplete and delayed. The PIO was directed to prepare revised reply after collecting the requisite information from the concerned quarters in Secretariat and District Doda as the case may be. The PIO was also directed to explain the delay.

The appeal was again listed for hearing before the SIC on 08-11-2017. The hearing was attended by Sh. R.K Bhat, Director Rural Development Department (RDD), Jammu, Sh. Akhtar Qazi, ACD, Doda, Sh. Ashiq Bhat, Deputy Director, RDD, Jammu, Sh. Krishan Kumar Raina, BDO Changa and the appellant.

During the hearing the appellant submitted that he has not received the complete information as sought through his basic RTI application.

The parties were heard thread bare and record was also perused.

Decision:

After hearing the parties and going through the record the SIC observes that much of the requisite information sought by the appellant is still pending. The appellant has sought information regarding Jammu Division and District Doda and only partial information has been provided to him.

The SIC in order to facilitate the provision of the information in this appeal bestows the responsibility upon the PIO O/o Director RDD, Jammu to whom the RTI application initially was made and who in terms of section 5(3) of the ACT was responsible to 'deal' with it to ensure that givable information is provided to the appellant and in terms of section 5(4) to collect the information from the concerned quarters and furnish the same to the appellant within 30 days from the date of receipt of this order. The Director Rural Development, Jammu assured during the hearing that information sought for will be collected and provided as per availability of records. He also agreed to give personal hearing to the appellant.

Further the SIC observes that Directorate of Rural Development Department should have already uploaded this type of information on its official website in term of section 4 of the Act. Purpose of the implementation of section 4 is that more and more information relating to promotion of transparency and accountability is suo moto disclosed so that people should not have to resort to filing of RTI applications. Unfortunately, the Directorate of Rural Development, Jammu is lagging behind in e-governance, implementation of the provisions of Section 4 and therefore in transparency.

The Director RDD, Jammu is directed to take steps to strengthen the Directorate's official website so that all information in terms of section 4 of the Act is uploaded. The compliance report in this regard shall be submitted within 3 months from the date of receipt of this order.

The 2nd appeal is disposed of subject to the above directions.

-sd/-

**(Khurshid A. Ganai) IAS Retd.,
Chief Information Commissioner,
J&K State Information Commission.
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No. SIC/CO/SA/482/2017

Dated: / /2017.

Copy to the:

1. First Appellate Authority (FAA) O/o Commissioner/Secretary Department of Rural Development & PR Civil Secretariat, Jammu for information and compliance.

2. Public Information Officer (PIO), Department of Rural Development & PR Civil Secretariat, Jammu for information and compliance.
3. Public Information Officer (PIO), O/o Director Rural Development Department, Jammu for information and compliance.
4. PS to CIC for information of HCIC.
5. Sh. Mohammad Younis Mattoo, S/o Ghulam Mustafa mattoo R/o Sati Dudwar, District Doda.
6. Guard file.

(Dr. Ghulam Mohi-ud-din)
Joint Registrar,
J&K State Information Commission.